

March 7, 1973

SPEAKER: Any further discussion of the bill? Senator Chambers you want to take up, Senator Proud did you wish to be recognized?

SENATOR PROUD: Well just to ask Senator Chambers a question, Senator Chambers very briefly discussed this with me informally a few minutes ago, and I'm just wondering Senator Chambers if there is any danger in taking this off the book, and then depending on some other bill, if we take this off the book, then I suppose we are without any death penalty at all, until the other bill comes along, is that correct?

SENATOR CHAMBERS: Senator Proud, there is no death penalty in Nebraska, anyway, as a result of what the Supreme Court did and the proof of that is that the only two men who were facing death in this state had to be resentenced as a result of the Supreme Court decision so there is no death penalty.

SENATOR PROUD: Well I presume the other bill you were talking about naturally has a repealer in too, which would accomplish the same thing, right?

SENATOR CHAMBERS: Well that bill is very complex, it is very questionable, as to whether or not it is valid, whether it would meet the constitutional and the Supreme Court test and Senator Luedtke who favors the death penalty was opposed to that particular bill.

SENATOR PROUD: Now, if we wipe off the death penalty with your bill, take it off the books, how would that affect or would it affect anybody who is presently in death row?

SENATOR CHAMBERS: There is nobody in death row now in Nebraska.

SENATOR PROUD: Because of the Supreme Court decision, so you're just saying that it completely, a superfluous law that should be wiped off the books.

SENATOR CHAMBERS: And this is in the nature of a revisor statute based on -

SENATOR PROUD: Now one last question? The other bill that is coming along would likewise appeal to some extent, the death penalty, right?

SENATOR CHAMBERS: If it were passed.

SENATOR PROUD: Now if it were passed, assuming it is passed, or would be passed, are we just spending some money, I may vote to (inaudible) your bill, are we just spending tax payers money here to print bills

(Start Belt #8)